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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

11-CV-00872-BCST

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DEBORAH R. BEATON,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.; and
NORTHWEST TRUSTEE SERVICES, INC.

Defendants.

CASE NO. 2:11-cv-00872-RAJ

PLAINTIFF'S RESPONSE IN
OPPOSITION TO MOTION TO
DISMISS AMENDED COMPLAINT

NOTE ON MOTION CALENDAR:
FEBRUARY 3, 2012

Plaintiff, DEBORAH R. BEATON, proceeding without counsel, hereby serves her Response in opposition to Defendant JPMORGAN CHASE BANK, N.A., Motion to Dismiss Amended Complaint and as grounds states:

The record before the Court is incomplete because the Defendants have not participated in discovery by producing documents the Plaintiffs have requested. The Defendants previously agreed to the terms of discovery in the FRCP 26 meeting but then refused to supply the documentation requested. This case is not ripe for dismissal because all of facts are not on the record before the Court by no fault of the Plaintiff.

All of the purported Facts relied upon by the Defendants do NOT fully 'evidence' a

RESPONSE IN OPPOSITION TO MOTION
TO DISMISS

Deborah R. Beaton, Plaintiff
31431 46th PI SW
Federal Way, WA 98023
(509) 499-1607

1 debt and fall far short of proving that the Plaintiff has damaged the Defendant JPMORGAN
2 CHASE BANK, N.A. or caused them a loss of any kind.

3 Plaintiff's requested that the Defendant to produce the FR 2046, balance sheet which
4 displays OMB number on it which is subject to disclosure under the privacy act, Title 5
5 U.S.C. 552(b)(4). Additionally Plaintiff request if for production of the FASB Form #4
6 (changes in beneficial ownership of securities); and, FASB #95 (credit to transactional
7 account); and, FASB #125 (securitization accounting); and, FASB #133 (derivatives on
8 hedge accounts); and, FASB #140 (Offsetting of financial assets and liabilities); each of these
9 documents have OMB numbers on them and are subject to disclosure under the privacy act.
10 Production of these documents is the only positive way to prove the Defendant's non-judicial
11 foreclosure claim against the Plaintiff has the right to obtain them before the court dismisses
12 the matter.
13

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15 Additionally, if the Court has access to a Bloomberg terminal and a specialist who is
16 certified to use it may search the Bloomberg online Database for the subject Loan. It will
17 show that the Defendant did not/does not own the subject Loan. It only shows that the
18 Defendant may be the 'Servicer' of the loan. The Defendant seems to have confused the
19 selling or transferring of the Note with the selling of Servicing Rights, which is simply the
20 right to collect payments on the Note and distribute them to investors while keeping back a
21 small portion for them self called a servicing fee. The Defendant's purchase of 'Servicing
22 Rights' does not and cannot lawfully include the right to foreclose.
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25 Plaintiffs object to the Defendant's motions for dismissal because the Defendant's
26 motion is based on their one sided versions of the facts meanwhile the Defendants have

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1 blocked the Plaintiffs from access to proof that supports the Plaintiff's position. See
2 Dioquardi v. Durning, 139 F.2d 774 (CA2 1944) "...we conclude that he is entitled to an
3 opportunity to offer proof." How can the Plaintiffs offer proof if the Defendants refuse to
4 participate in discovery? Please recall that it is the Defendant's underlying non-judicial
5 foreclosure claim that gave rise to this lawsuit. There is no evidence or proof that the
6 Plaintiff has damaged or injured the Defendant in any way.

8 PLAINTIFF'S CONCLUSION

9 Plaintiff requests that Court deny the Defendant Motion to Dismiss.

10 Respectfully submitted this 3^d day of February, 2012,
11

12 Plaintiff: Deborah R. Beaton

13 Signature: Deborah R. Beaton
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